

United States Bankruptcy Court
District of South Carolina (Columbia)

Case Number: **16-06187-jw**

SETTLEMENT ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY

The relief set forth on the following pages, for a total of 3 Pages including this page, is hereby **ORDERED.**

United States Bankruptcy Court
District of South Carolina (Columbia)

IN RE:

O'tasha L Morgan

Debtor(s).

Case No.: **16-06187-jw**

Chapter 13

**SETTLEMENT ORDER ON
MOTION FOR RELIEF FROM AUTOMATIC
STAY**

This matter comes before the Court on the motion for relief from the automatic stay filed by Federal National Mortgage Association (Fannie Mae) Creditor c/o Seterus, Inc., ("Movant"). The Chapter 13 Trustee did not object to the motion or has agreed to the settlement. The property which is the subject of the motion is described as follows:

181 WOOD CT, COLUMBIA South Carolina 29210

Upon the agreement of the parties, it is hereby ORDERED:

According to the certifications of facts, the value/equity in the subject property above the movant's lien is \$0.00.

As of **November 20, 2017**, Debtor has accrued a post-petition arrearage in the amount of **\$3,280.99**. The post-petition arrearage consists of:

☒ Payments for the month(s) of **June 1, 2017 - November 1, 2017 in the amount of \$387.12 each less \$72.73 in suspense (\$2249.99)**.

☐ Late charges in the amount of \$0.00.

☒ Attorney's fees and costs in the amount of **\$1,031.00**.

☐ Other costs (specify below) in the amount of \$0.00.

Debtor shall continue to remit to Movant the regular post-petition monthly payments beginning **December 1, 2017**, and continuing thereafter in accordance with the terms of the loan agreement and the chapter 13 plan.

In addition to the regular post-petition monthly payments set forth above, Debtor shall cure the post-petition arrearage of **\$3,280.99** as follows:

☐ Pay initial payment of \$_____ by _____, 20____.

☒ Pay **\$273.42** per month beginning **December 1, 2017** for **12 months**.

☐ Pay final payment of \$_____ by _____.

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

**Seterus, Inc.
P.O. Box 54420
Los Angeles, CA 90054-0420**

In the event of a default under the terms of this Order, relief from stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed order by the Court. Movant may then proceed with its state court remedies against the property, including sending any required notice to Debtor(s). **This *ex parte* relief provision of this Order shall expire and no longer be effective 12 months from the expiration of the cure period set forth above.**

Movant agrees to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order. In the event relief from the automatic stay is granted due to Debtor's default under the terms of this Settlement Order, Movant agrees that any funds received in excess of all liens, costs, and expenses will be paid to the Trustee.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay:

- ☒ is applicable to any order granting relief for default on this settlement order.
- ☐ is not applicable to any order granting relief for default on this Settlement Order.

NON-STANDARD LANGUAGE
(Hearing May Be Required for Approval)

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/Louise M. Johnson
Attorney for Movant
District Court I.D. 7509

/s/Daniel A. Stone
Attorney for Debtor
District Court I.D. 8077

CERTIFICATION:

Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor or the party obligated to pay.

/s/Daniel A. Stone
Attorney for Debtor(s)
District Court I.D. 8077